

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 8

March 22, 2006

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON MARCH 21, 2006

SUBJECT: FORCE INVESTIGATION DIVISION - ESTABLISHED

PURPOSE: As a result of the Consent Decree between the City of Los Angeles and the United States Department of Justice, the Department established Critical Incident Investigation Division (CIID) as the entity responsible for investigating all Categorical Use of Force (CUOF) incidents. Although CIID was charged with conducting the administrative portion of CUOF investigations, the criminal probe and the investigation of alleged misconduct associated with the incident were conducted by other Department entities.

Conducting separate investigations of the same incident was well intentioned at the time CIID was established, but has since proven to be inefficient. The organizational separation has at times resulted in delays and inadequacies in the investigations, exposing the Department to criticism, and in some instances, non-compliance with the mandates of the Consent Decree.

An important factor in achieving full compliance with the Consent Decree relies on the Department's ability to conduct thorough, objective and timely CUOF investigations. To that end, this Order deactivates CIID and activates Force Investigation Division (FID) as the Department's sole entity responsible for investigating and reporting all aspects of a CUOF.

All previous references to CIID shall be replaced with FID. Upon its publication, the 2005 Department Manual made reference to FID but did not include the updated organization, functions and responsibilities. This Order updates the organization, functions and responsibilities of FID and supercedes all previously published references to CIID and FID.

PROCEDURE:

- I. CRITICAL INCIDENT INVESTIGATION DIVISION - DEACTIVATED.**
Critical Incident Investigation Division is hereby deactivated.

II. FORCE INVESTIGATION DIVISION - ACTIVATED. Force Investigation Division is activated and operates under the direction of the Commanding Officer, Professional Standards Bureau (PSB).

III. FORCE INVESTIGATION DIVISION - FUNCTIONS. Force Investigation Division is responsible for investigating all aspects of CUOF incidents and any other investigation at the direction of the Chief of Police (COP). A CUOF is defined as:

- * An incident involving the use of deadly force by a Department employee;
- * All uses of a carotid restraint control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- * All deaths while the arrestee/detainee is in the custodial care of the Department, commonly referred to as an in-custody death;
- * A use of force incident resulting in death;
- * A use of force incident resulting in an injury requiring hospitalization;
- * All head strikes with an impact weapon (e.g., baton, flashlight, etc.);
- * An incident in which a member of the public is bitten by a Department Canine and hospitalization is required (although investigated in the same manner as a CUOF, a canine bite is not considered a use of force); and,
- * Incidents where the Department has agreed to conduct similar investigations for a non-Department entity, such as the Los Angeles Fire Department Arson Unit.

When an animal shooting and/or non-tactical accidental or negligent discharge of a firearm occurs, Area/divisional personnel shall notify FID and Real Time Analysis and Critical Response Division (RACR). Unless unusual circumstances exist, chain of command supervisors from the involved officer's Area/division will be directed to conduct the investigation.

IV. FORCE INVESTIGATION DIVISION - ORGANIZATION AND ASSIGNMENT. Force Investigation Division is composed of:

- * Office of the Commanding Officer;
- * Criminal Investigation Section;
- * Administrative Investigation Section; and,
- * Investigative Support Section.

Sworn personnel assigned to FID shall be selected in accordance with Department Manual Section 3/763.70.

A. Force Investigation Division - Commanding Officer. The Commanding Officer, FID, under the direction of the Commanding Officer, PSB, has line command over FID.

B. Criminal Investigation Section - Responsibilities.

When conducting a CUOF investigation, Criminal Investigation Section shall be responsible for:

- * Conducting the preliminary investigation of any crime associated with an incident for which FID has investigative responsibility;

Exception: In cases where the crime committed by the civilian suspect(s) is not against the involved officer (e.g., driving a stolen vehicle), Area detectives may, at the discretion of FID, be assigned the responsibility for investigating the criminal components of the case and conducting the related follow-up investigation. Additionally, at the discretion of the Commanding Officer, PSB, Robbery-Homicide Division may continue to investigate incidents where an employee is killed or seriously injured as a result of being the victim of, or suspect in a crime.

- * Conducting the criminal investigation, if appropriate, of the actions of the officer(s) involved in a CUOF incident;
- * Taking charge of the scene of a CUOF incident;
- * Interviewing civilian and non-involved Department employee witnesses;
- * Investigating any incident involving a sworn officer from an outside agency who uses deadly force within the City of Los Angeles; and,
- * Investigating any other incident at the direction of the COP.

C. Administrative Investigation Section -

Responsibilities. The Administrative Section shall be responsible for:

- * Liaising with Criminal Investigation Section during their investigation;
- * Conducting the compelled interviews and walk-throughs of involved officers;

- * Completion of the arrest, booking, reporting and investigative follow-up of a suspect involved in the CUOF incident;

Note: In order to protect statements which may be contained in an arrest report and were provided by victim officers involved in the CUOF incident, the Administrative Investigation Section shall handle the arrest and booking of civilian suspects, except in those cases where Robbery-Homicide Division or Area Detectives are responsible for the follow-up criminal investigation.

- * Completion of the administrative CUOF Report; and,
- * Presenting the findings of the CUOF investigation at Use of Force Review Board hearings.

D. Investigative Support Section - Responsibilities.

Investigative Support Section will be responsible for the following at the direction of the Commanding Officer, FID:

- * Tracking and reviewing all FID investigations;
- * Conducting quality assurance audits and research projects; and,
- * Providing investigative analysis and statistical information for FID investigations.

Additionally, the Officer in Charge, Investigative Support Section, will oversee administrative functions such as personnel, training and overtime.

V. FORCE INVESTIGATION DIVISION - SPECIAL DUTIES. Force Investigation Division is responsible for the following special duties:

- * Attending all autopsies resulting from incidents within their investigative responsibility;
- * Providing the Department of Justice, Bureau of Criminal Statistics, with written notification for each adult in-custody death within ten days of occurrence;
- * Providing the State of California Board of Corrections with written notification and all requested information for each in-custody death of a detained juvenile;
- * Maintaining files and reports pertaining to CUOF and animal shooting/non-tactical accidental or negligent discharge of a firearm investigations;

- * Acting as a liaison with the District Attorney's Office and the Office of the Inspector General at the scene of a CUOF incident and throughout the investigation;
- * Responding to Subpoena Duces Tecum requests and other court orders that pertain to FID criminal investigations and records; and,
- * In all cases where an individual sustains a gunshot wound, and in other FID cases as appropriate, notifying Media Relations Section, Public Information Office.

VI. NOTIFICATIONS AND INVESTIGATIVE GUIDELINES.

A. Required Notifications Following a Categorical Use of Force Incident.

1. **Area Watch Commander/Incident Commander.** Upon learning that a CUOF has occurred, the Area watch commander/Incident Commander shall ensure that RACR Division is notified in addition to their commanding officer, the commanding officer of the Area of occurrence and the appropriate Bureau commanding officer. Guidelines for making this notification are clearly delineated in Department Manual Section 3/794.35.
2. **Real Time Analysis and Critical Response Division.** When contacted by the Area watch commander/Incident Commander that a CUOF incident has occurred, RACR shall make notifications to the following entities:
 - * Force Investigation Division (or the designated on-call FID team during non-business hours);
 - * Office of the Chief of Police or his designee;
 - * Chief of Staff;
 - * Office of the Inspector General on behalf of the Board of Police Commissioners;
 - * Commanding Officer, Professional Standards Bureau;
 - * Los Angeles District Attorney's Office for those cases identified in the "roll-out" protocol governing such notifications; and,
 - * Risk Management Group.

B. Categorical Use of Force Investigations.

1. **Response and Crime Scene Responsibilities.** Force Investigation Division shall be available to respond 24-hours a day to incidents for which it has investigative responsibility. Upon receiving notification of an incident, an FID investigator shall promptly respond to the scene.

When multiple investigating entities are present (i.e., Area detectives), the senior FID member present shall have overall command of the crime scene and the on-scene investigation. This does not preclude the Chief of Police or his designee from assuming command when there is a specific need to do so.

2. **Force Investigation Division Investigative Guidelines.** Force Investigation Division investigators shall follow established Department procedures for investigating all incidents for which it has investigative responsibility. Additionally, FID investigators shall:

- * Record all interviews (i.e., audio or video recording) of involved officers and witnesses (if not recorded, provide justification);

Note: Whenever possible, recorded interviews should include a complete record of the interview including a preamble and interview conclusion.

- * Interview civilian witnesses at locations and times convenient to the witnesses, whenever it is practical and appropriate;
- * Prohibit group interviews;

Note: If the subject of the use of force or a civilian witness was not interviewed separately, document that the witness (s) was not interviewed separately along with an explanation.

- * Interview all involved supervisors (applies only to those actively involved in managing the scene) regarding their management of the scene during the incident;
- * Coordinate the collection and preservation of all appropriate evidence, including canvassing the scene to locate possible witnesses if appropriate;
- * Ensure that all officer's and suspect's injuries are photographed (if no photographs are taken provide an explanation why); and,
- * Identify and document all inconsistencies in officer and witness interview statements.

3. Investigations Involving Allegations of Misconduct.

Whenever an FID investigation identifies an allegation(s) of misconduct, the officer in charge of the FID investigation shall ensure that a Personnel Complaint, Form 1.28, is completed in accordance with Department policy. The officer in charge of the FID investigation shall cause the COP, or his designee, and the Commanding Officer, PSB, to be notified regarding allegation(s) of serious misconduct.

4. Test Firing of Firearms Used in Categorical Use of Force Incidents. As part of Categorical Use of Force Investigation protocol, FID investigators will retain any firearm discharged by an officer during a CUOF incident so that ballistic testing of the firearm can be completed. The involved officer will receive a replacement firearm from FID until his/her firearm is returned. The firearm will be returned to the involved employee immediately after testing is completed.

In certain instances, it may be necessary to obtain all or portions of the involved officer's leather gear.

VII. FORCE INVESTIGATION DIVISION - UNIT DESIGNATION. The radio designation for the Commanding Officer, FID, shall be identified by the word "commander" followed by "7D." All other FID personnel shall be identified by "7D" followed by the numerical designation assigned by the Commanding Officer, FID.

VIII. CORRESPONDENCE REFERENCE NUMBER, FORCE INVESTIGATION DIVISION. Force Investigation Division is assigned correspondence Reference Number 13.1. Official correspondence addressed to, or initiated by, FID shall bear the assigned reference number.

AMENDMENTS: All previous Volume 2 references to Force Investigation Division have been amended to reflect the recent Department Reorganization. For reference, the functions of Force Investigation Division are outlined in 2005 Department Manual Sections 2/255 - 2/255.20. In addition, this Order amends Sections 3/409.20, 3/794.10, 14, 20, 25, 30 and 32, 3/794.35-39, 3/796.01, 05 and 08, 4/110.20, 4/204.80, 4/214.50, 4/238.35-36, 4/245.05 and 11, 4/648.14, 5/030.50 and 5/080.96 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, PSB, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"